

and generally monitoring your driving record in many states, you can use traffic school once per year to keep a violation off your record. Other states restrict the use of this alternative to once per 18 months or once per two years. Traffic school may not be available to wipe out a violation related to excessive speeding.

*"Before" Your License is Suspended.*

### Strategies to Defend Against a Suspension

You have a right to a hearing at the Department of Motor Vehicles or the equivalent state agency before your license is suspended. You can retain an attorney to represent you at this hearing. If the loss of your license would cause you to lose your job because you need to drive to work or as part of your work, you can bring this hardship to the hearing officer's attention. If you drive many miles each year, you can mention this point because it may mean that you are

#### *Hardships*

A particular hardship, such as the need to drive to work or school, may be a successful strategy to defend against a suspension.

<https://www.justia.com/traffic-tickets/consequences-of-traffic-tickets/drivers-license-susp...> 10/26/2023

*Justia*

*Page 5 (a)*

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# The Right to Hearing

Modified date: December 22, 2019



The right to hearing is that which resides in both the Sixth Amendment as well as the Fourteenth Amendment. A right to hearing entails that an individual maintain and be afforded the legal right to be heard in the venue of a court of law with adequate due process attached. In terms of the Sixth Amendment, individuals possess rights to a speedy as well as a public trial.

In relation to a speedy trial, such as in accordance with Supreme Court case *Barker v. Wingo*, there existed the following qualifications for determining if one's right to a speedy trial had been violated. These include the "length of delay," "reason for delay," "time and manner of rights," and "amount of prejudice by which delay may have occurred." Delays surpassing that of a year or more may be seen as a violation, while reasons may be comprised of the need for specific witnesses.

An important Supreme Court case in connection with the right to a speedy trial is that of *Strunk v. United States*. In this case, the Court ruled that if a defendant's rights were violated, they must be freed of all charges, therefore making the conviction invalid. When referencing the right to a public trial, we may point to *Sheppard v. Maxwell*, wherein the Supreme Court ruled that public trials be only held if it would not adversely affect the overall integrity of the case at hand.

In terms of the right to hearing, due process represents an area in direct connection to it. This term entails that persons be afforded all the legal rights they deserve in accordance with Federal law. It places the judges at the forefront of such proceedings in determining one's situation. Residing within the Fourteenth Amendment, it affords rights to every State. In connection to due process in connection to criminal and civil procedures, they are governed under the institution of the Bill of Rights.

Another important aspect of the right to hearing is that of the "right to counsel". A defendant has the express right to obtain legal representation by his or her own volition. In Supreme Court case of *Brewer v. Williams*, the right to counsel was stated as the

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PAGE 4 OF  
13 PAGES

FEDERAL CONSTITUTION

OPPORTUNITY TO BE HEARD

4. Under Federal Constitutional Law, which overrides State Law, as the LAW OF THE LAND, the Supreme Court stated in the case of Earle v. McVeigh, 91 US 503, 23 L Ed 398, and Prther v. Loyd 86 Idaho 45, 382 P2d 910 and HANSON V. DENCKLA 357 US 235 2 L Ed 2d 1283, 78 S Ct 1228, :

OPPORTUNITY TO BE HEARD

"A judgment may NOT be rendered in VIOLATION OF CONSTITUTIONAL PROTECTIONS. The validity of a judgment may be affected by a failure to give the constitutionally required DUE PROCESS notice and ..... "OPPORTUNITY TO BE HEARD". The limitations INHERENT in the requirements of DUE PROCESS and EQUAL PROTECTION of the LAW extend to judicial as well as political branches of government, so that..... "A JUDGMENT MAY NOT BE RENDERED IN VIOLATION OF THOSE CONSTITUTIONAL LIMITATIONS AND GUARANTEES."

NO OPPORTUNITY TO BE HEARD

"A judgment WITHOUT A HEARING giving the party the opportunity to be heard is not a judicial determination of his rights. Sabariego v. Maverick, 124 US 261, 31 L Ed 430, 8 S Ct 461, and is not entitled to respect in any tribunal.

"A void judgment does not create any binding obligation. Federal decisions addressing void state court judgments include Kalb v. Feuerstein (1940) 308 US 433, 60 S Ct 343, 84 L ed 370; Ex parte Rowland (1882) 104 U.S. 604 26 L Ed 861, "A judgment which is void upon its face, and which requires only an inspection of the judgment roll to demonstrate its wants of vitality is a DEAD LIMB upon the judicial tree, which should be lopped off. People v. Greene, "If a court grants relief, which under the circumstances it hasn't any authority to grant, its judgment is to that extent VOID. (1 Freemand on Judgment 120-c.) An illegal order is forever VOID."

WHEREFORE: The Plaintiff's Federal and State's Constitutional Rights to a HEARING before her license to drive was suspended, were violated, and under a 1983 claim where there was a violation of the Plaintiff's Due Process and Equal Protection Rights, a violation of her fourth Amendment Rights and a violation of her liberty rights, this Court is MANDATED ....UNDER STATE AND FEDERAL LAW, to allow the Plaintiff her right to a jury trial of her peers as allowed

Page 4(a)

Page 7 of 13  
Pages

1. The Plaintiff has proven that the defendants have violated the LAW OF THE LAND, that of the FEDERAL CONSTITUTIONAL and she also has proven a violation of STATE LAW, a violation of Due Process and EQUAL PROTECTION. Wherefore, this claim before the court for the violations of State and Federal Law is MANDATED to go IMMEDIATELY before a jury of her peers for damages as allowed under 1983 .

2. That the evidence before the Court shows that the Plaintiff was given NO OPPORTUNITY TO BE HEARD ....before her license to drive was suspended, as demanded under the Federal Constitution and under State Law

CHAPTER 263:56

" AFTER A HEARING"

3. Under NH State Law Chapter 263...." License Suspension and Revocation"..... under Section 263:56 the law states under the Heading ..... "AUTHORITY TO SUSPEND LICENSE":

" The director is hereby authorized to suspend any license ..... "AFTER A HEARING" .....

Page 7 (a)

Page 8 of 13 pages

trial in this matter, which was held the same day as the Kae case. One can hear in the recording the Trooper in this case Tpr. Hensel ADMITTED ADMITTED ADMITTED that the line was NOT A YELLOW/SOLID LINE, but that the line was a DOUBLE YELLOW LINE, where the Plaintiff had every legal right to make a U-Turn.

#### DEFENSE OF FEBRUARY TRAFFIC STOP

#### N.H. Bill of Rights, Article 15 (RIGHT OF ACCUSED)

"No subject shall be deprived of his property, privileges, or deprived of his life, liberty, or estate but by the the....." JUDGMENT OF HIS PEERS" .....OR THE .....LAW OF THE LAND. Due process SHALL require clear and convincing evidence that a person is dangerous to others. And that a person suffers from mental disorder MUST BE ESTABLISHED".

#### Federal Constitution Due Process

The Supreme Court stated in the case of Earle v. McVeigh and in the case of Prther v. Loyd, and in the case of Hanson v. Denckla the following:

"A judgment may NOT be rendered in violation of Constitutional protections. The validity of a judgment may be affected by a .....FAILURE TO GIVE THE CONSTITUTIONAL REQUIREMENTS OF A DUE PROCESS NOTICE and an ..... "OPPORTUNITY TO BE HEARD".

#### Sabariego v. Maverick

The Court stated a judgment without a hearing giving the party the opportunity TO BE HEARD is .....NOT A JUDICIAL DETERMINATION OF HIS RIGHTS. And is NOT ENTITLED TO RESPECT."

#### AN ILLEGAL ORDER OF THE COURT

The court ignored the Plaintiff's rights under the Fourteenth Amendment to be HEARD BEFORE her license to drive was suspended. See the case of kalb v. Feuestein where the court stated..... "A judgment which is void upon its face, and which requires only an

*Page 8(a)*

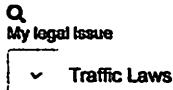
*Page 9 of 13 Pages*

1. Where the rulings in this case by the Judge was a violation of the LAW OF THE LAND, when fraud was concerned, the Judge lost all jurisdiction in the case and her rulings and decisions are thus VOID OF NO LEGAL FORCE.
2. A RECORDING of the trial held in the Ossipee District Court regarding this case is available for view for the court. A recording that will verify each and every statement and fact the Plaintiff addresses in this document. A recording of the trial which proves the facts as stated below by the Plaintiff. And is evidence of her claim of a violation of her liberty rights under the Fourth Amendment of the UNITED STATES FEDERAL CONSTITUTION against the defendants..
3. Evidence that the Plaintiff was falsely accused in the 7/17/24 Report & Recommendation of the Magistrate Judge Johnstone:

Page 9 (a)

Page 10 of 13 Pages





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 AM I ENTITLED TO NOTICE AND A HEARING BEFORE THE STATE REVOKES MY DRIVER'S LICENSE?

## Am I Entitled to Notice and a Hearing Before the State Revokes My Driver's License?

Created by FindLaw's team (<https://www.findlaw.com/company/our-team.html>) of legal writers and editors | Last reviewed June 20, 2016

Legally Reviewed ✓

Fact-Checked ✓

Generally, the Due Process Clause of the Fourteenth Amendment (<https://constitution.findlaw.com/amendment14.html>) ensures that a person cannot be punished without proper legal proceedings, including notice and a hearing. That applies to the suspension or revocation of driver's licenses, as well. However, there are certain circumstances in which your driver's license can be suspended without a notice or hearing. The most common example involves DUI offenses (<https://www.findlaw.com/dui.html>).

In the majority of states, if you're arrested for driving under the influence, you probably won't be getting behind the wheel for a while. That's because of Administrative License Suspension (ALS) laws. While ALS laws vary state by state, they typically require that a license be confiscated and automatically suspended without a hearing in a couple of situations.

### Implied Consent Laws

The first situation involves implied consent laws (<https://www.findlaw.com/dui/arrests/implied-consent-laws.html>). Under the laws of most states, by driving in the state you give "implied consent" to a breath, blood, or urine test if suspected of DUI. Refusing to submit to the test after a proper traffic stop will typically result in an automatic license suspension, regardless of whether you were actually impaired at the time.

### DUI Arrests

The second situation takes place after you've submitted to chemical testing (<https://www.findlaw.com/dui/arrests/sobriety-tests/>). If the test indicates that you have a blood-alcohol content (BAC) level of 0.08 percent or higher, or have certain drugs in your system, your license will automatically be suspended under the laws of most states.

Since ALS laws are state-specific, the length of the suspension period can be anywhere from a few days to several years depending on the state's law. As of 2012, there are only nine states that don't have ALS laws: Kentucky, Michigan, Montana, New Jersey, Pennsylvania, Rhode Island, Pennsylvania, South Carolina, South Dakota, and Tennessee.

### Appealing an ALS

Most states allow drivers to appeal an Administrative License Suspension. Typically, the driver must file an appeal (<https://www.findlaw.com/criminal/criminal-procedure/criminal-appeals/>) within a few days of the arrest or the issuance of a citation. Once an appeal has been filed, there's a hearing to determine whether driving privileges should be restored.

However, even if your license is reinstated, it could be a fleeting victory. If you're later convicted of your DUI charge, your license will probably once again be suspended. But, if your license ends up getting suspended, many states allow qualified individuals to apply for various types of conditional or limited driving privileges, such as for getting to and from work during daytime hours. These decisions are usually made on a case-by-case basis.

<https://www.findlaw.com/traffic/drivers-license-vehicle-info/am-i-entitled-to-notice-and-a-...> 9/21/2023

### Can I Solve This on My Own?

- Complex traffic tickets usually require experienced lawyers.
- Experienced lawyers can seek to resolve your case.
- A lawyer can help you keep your license.

Get tailored legal advice and ask a lawyer

If you need an attorney, find one first

### Popular Directory Searches

- [Traffic Ticket Lawyers \(https://lawyers.findlaw.com/lawyer/practice-violations/\)](https://lawyers.findlaw.com/lawyer/practice-violations/)
- [Car Accident Lawyers \(https://lawyers.findlaw.com/lawyer/practice-vehicle-accidents-plaintiff/\)](https://lawyers.findlaw.com/lawyer/practice-vehicle-accidents-plaintiff/)

### Driver's License & Vehicle Info

- [Driver's License Laws \(https://www.findlaw.com/traffic/drivers-license-vehicle-info/drivers-license-laws.html\)](https://www.findlaw.com/traffic/drivers-license-vehicle-info/drivers-license-laws.html)
- [State DMV Offices \(https://www.findlaw.com/traffic/drivers-license-vehicle-info/state-dmv-offices.html\)](https://www.findlaw.com/traffic/drivers-license-vehicle-info/state-dmv-offices.html)
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Page 11 of 13 Pages

# Road Markings

Welcome to our quick and easy driving  
information guide

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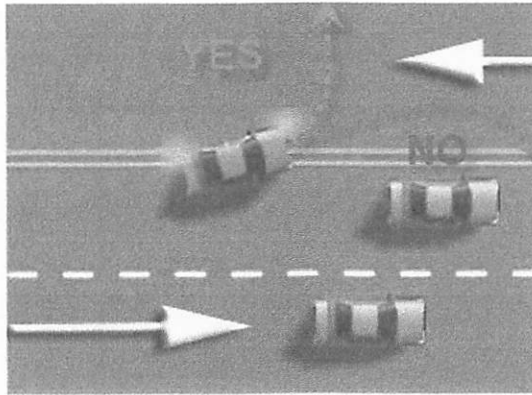
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It's okay to cross a double yellow line to turn left. YOU CANNOT cross a double yellow line to pass another vehicle.



Section 265:12 - Flashing Signals. :: 2015 New Hampshire Revised Statutes :: US Codes ... Page 1 of 2

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# **2015 New Hampshire Revised Statutes**

## **Title XXI - MOTOR VEHICLES**

### **Chapter 265 - RULES OF THE ROAD**

#### **Section 265:12 - Flashing Signals.**

**Universal Citation:** NH Rev Stat § 265:12 (2015)

#### **265:12 Flashing Signals. –**

I. Whenever an illuminated flashing red or yellow signal is used in a traffic sign or signal it shall require obedience by vehicular traffic as follows:

(a) Flashing red (stop signal). When a red lens is illuminated with rapid intermittent flashes, drivers of vehicles shall stop before entering the nearest crosswalk at an intersection or at a limit line when marked, or if none, then before entering the intersection, and the right to proceed shall be subject to the rules applicable after making a stop at a stop sign.

(b) Flashing yellow (caution signal). When a yellow lens is illuminated with rapid intermittent flashes, drivers of vehicles may proceed through the intersection or past such signal only with caution.

II. This section shall not apply at railroad grade crossings. Conduct of drivers of vehicles approaching railroad grade crossings shall be governed by RSA 265:49.

**Source.** RSA 262-A:11. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

*PAGE 13 OF 13 Pages*